

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**John C. Cassara**  
Debtor(s)

Bankruptcy Case No.: 17-11004-TPA  
Per January 23, 2018 Proceeding  
Chapter: 13  
Docket No.: 28 - 11  
Concil. Conf.: April 10, 2018 at 02:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 16, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Apr. 10, 2018 at 02:00 PM, in Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Internal Revenue Service (Claim No. 7) .
- ☒ H. Additional Terms: The secured claim of the following Creditor shall govern as to claim amount, to be paid at the modified plan terms: The Huntington National Bank (Claim No. 5).

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge  
United States Bankruptcy Court

Dated: January 24, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 John C. Cassara  
 Debtor

Case No. 17-11004-TPA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: jmar  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 36

Date Rcvd: Jan 24, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 26, 2018.

db  
 14697994 +John C. Cassara, 6129 Glen Eagle Boulevard, Erie, PA 16509-8303  
 14697995 #+Bank Of America, Nc4-105-03-14, Po Box 26012, Greensboro, NC 27420-6012  
 14710934 +Barclays Bank Delaware, 100 South West Street, Wilmington, DE 19801-5015  
 14697996 +CAN Capital Inc, 414 West 14th Street, Floor 3, New York, NY 10014-1013  
 +Capital One / Furniture Row, Attn: Bankruptcy, Po Box 30285,  
 Salt Lake City, UT 84130-0285  
 14697997 +Cbe Group, Attn: Bankruptcy Department, Po Box 900, Waterloo, IA 50704-0900  
 14697998 +Chase Card, Attn: Correspondence Dept, Po Box 15298, Wilmington, DE 19850-5298  
 14697999 +Citibank North America, Centralized Bankruptcy, Po Box 790040, Saint Louis, MO 63179-0040  
 14698000 +Citizens Bank, 1 Citizens Drive, Riverside, RI 02915-3000  
 14698001 +Douglas M Buyer PhD, 1438 West 38th Street, Erie, PA 16508-2324  
 14698002 +Erie County Tax Claim Bureau, 140 West 6th Street, Room 110, Erie, PA 16501-1073  
 14729742 +Fifth Third Bank, PO Box 9013, Addison, Texas 75001-9013  
 14698004 +Huntington National Bank, Attn: Bankruptcy, Po Box 340996, Columbus, OH 43234-0996  
 14698006 +IC System Inc, Po Box 64378, Saint Paul, MN 55164-0378  
 14698008 +Mohela / Department of Education, 633 Spirit Drive, Chesterfield, MO 63005-1243  
 14698010 ++NORTHWEST SAVINGS BANK, P O BOX 337, WARREN PA 16365-0337  
 (address filed with court: Northwest Savings Bank, 100 Liberty Street, Warren, PA 16365)  
 14707723 +Northwest Bank, Attn Angela Abreu, 100 Liberty Street, P.O. Box 128,  
 Warren, PA 16365-0128  
 14698011 +Pnc Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747  
 14710938 +Robert Morgan, 3840 Chapel Hill Drive, Erie, PA 16506-4706  
 14698930 +U S Dept of Education/MOHELA, 633 Spirit Drive, Chesterfield, Mo 63005-1243  
 14698016 +Visa Dept Store National Bank / Macy's, Attn: Bankruptcy, Po Box 8053,  
 Mason, OH 45040-8053

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14698003 +E-mail/Text: collectionbankruptcies.bancorp@53.com Jan 25 2018 03:05:11 Fifth Third Bank,  
 Attn: Bankruptcy Department, 1830 East Paris Avenue Se, Grand Rapids, MI 49546-8803  
 14698005 +E-mail/Text: bankruptcy@huntington.com Jan 25 2018 03:04:42 Huntington National Bank,  
 Attn: Bankruptcy, PO Box 182519, Columbus, OH 43218-2519  
 14710936 +E-mail/Text: cio.bncmail@irs.gov Jan 25 2018 03:04:07 Internal Revenue Service,  
 Centralized Insolvency Operations, PO Box 7346, Philadelphia, PA 19101-7346  
 14698007 E-mail/Text: camanagement@mtb.com Jan 25 2018 03:04:10 M&T Credit Services, Po Box 900,  
 Millsboro, DE 19966  
 14724109 +E-mail/Text: jquick@ncmic.com Jan 25 2018 03:04:08 NCMIC Finance Corporation, PO Box 9118,  
 Des Moines, IA 50306-9118  
 14698009 +E-mail/Text: jquick@ncmic.com Jan 25 2018 03:04:08 Ncmic Finance Corporation,  
 14001 University Avenue, Clive, IA 50325-8273  
 14713906 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jan 25 2018 03:16:57  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 14698297 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jan 25 2018 03:16:38  
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14707258 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jan 25 2018 03:04:29  
 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,  
 Harrisburg, PA 17128-0946  
 14698012 +E-mail/PDF: gecsed@recoverycorp.com Jan 25 2018 03:09:21 Synchrony Bank / Care Credit,  
 Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060  
 14698013 +E-mail/PDF: gecsed@recoverycorp.com Jan 25 2018 03:09:41 Synchrony Bank / Sams Club,  
 Po Box 965005, Orlando, FL 32896-5005  
 14698014 +E-mail/PDF: gecsed@recoverycorp.com Jan 25 2018 03:09:22 Synchrony Bank / TJ MaxX,  
 Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060  
 14717913 +E-mail/Text: bankruptcy@huntington.com Jan 25 2018 03:04:42 The Huntington National Bank,  
 PO Box 89424, Cleveland, OH 44101-6424  
 14698015 +E-mail/Text: DL-ICOMSBankruptcy@charter.com Jan 25 2018 03:05:08 Time Warner Cable,  
 60 Columbus Circle, New York, NY 10023-5860  
 14745933 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Jan 25 2018 03:16:42 Verizon,  
 by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838  
 TOTAL: 15

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Fifth Third Bank  
 cr\* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14729745\* +Fifth Third Bank, PO Box 9013, Addison, Texas 75001-9013  
 14710937\* +Internal Revenue Service, William Moor-Head Building, 1000 Liberty Avenue, Room 806,  
 Pittsburgh, PA 15222-4027  
 14710935\* Internal Revenue Service, Insolvency Unit, PO Box 628, Pittsburgh, PA 15230  
 TOTALS: 1, \* 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
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Total Noticed: 36

Date Rcvd: Jan 24, 2018

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 26, 2018

Signature: /s/Joseph Speetjens

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 24, 2018 at the address(es) listed below:

Daniel P. Foster on behalf of Debtor John C. Cassara dan@mrdebtbuster.com,  
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com  
James Warmbrodt on behalf of Creditor Fifth Third Bank bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 4